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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/940,045

08/27/2001

Stefan Marghuerite Jean Willems

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04/19/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

CHAU, COREY P

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/940,045

Applicant(s)

WILLEMS, STEFAN  
MARGHUERITE JEAN

Examiner

Corey P Chau

Art Unit

2644

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 25 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment for Claims 8-10 and newly amended Claims 5-7 raise new issues that would require further consideration and/or search. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 5-10.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: PTO-892.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 3/25/05 have been fully considered but they are not persuasive.
2. With respect to the applicant's arguments on page 6, stating that, "Examiner is misreading claim 10" has been noted. The Examiner however respectfully disagrees. The Examiner did not misread claim 10, but did type that part of claim 10 wrong. It should read "first and second delay circuits coupled, respectively, to said third and fourth sixth-order filters, respective outputs from said first and second delay circuits being coupled to respective second inputs of said first and second combination circuits". Therefore claim 10 still stand indefinite because it is unclear to the Examiner as to what the Applicant is claiming as their invention. The claim is inconsistent with the drawings and specification.
3. With respect to the applicant's arguments on page 8, has been noted. The Examiner however respectfully disagrees. Kasai discloses an apparatus for localizing a sound image and a method for localizing the same, but is not limited by the embodiments disclosed. It is well known in the art to connect loudspeakers, such as left and right rear loudspeakers directly to the input left and right rear sound signals provided as shown in Fosgate (U.S. Patent No. 5199075) for example (Fig. 1), which is one of many prior arts that discloses loudspeakers directly connected to inputted left and right rear sound signals. Therefore it would have been obvious to one skill in the art to also provide the input left and right rear sound signals ( $S_L, S_R$ ) directly to left and right

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rear loudspeakers provided, in which a portion of multi-media user will already possess, or will buy a 4 (or more) loudspeakers configuration to cater for alternative formats, such as Dolby Digital. Therefore, Kansai as modified discloses an apparatus for localizing a sound image and a method for localizing the same comprising: input means for receiving input left and right front sound signals ( $F_L, F_R$ ) and input left and right rear sound signals ( $S_L, S_R$ ); left and right front loudspeakers ( $4L, 4R$ ) for reproducing sounds corresponding to said input left and right front sound signals; left and right rear loudspeakers for reproducing sounds corresponding to said input left and right rear sound signals (i.e. when 4 speakers are provided, the input  $S_L$  is also connected directly to left rear speaker and the input  $S_R$  is also connected directly to right rear speaker); generating means (12), coupled to receive said input left and right front and rear sound signals, for generating left and right virtual sound signals (Figs. 1, 5, 7, and 8; column 5, lines 48-67); and means for combining the left and right virtual sound signals and the input left and right front sound signals ( $18L, 18R$ ), respectively, to form output left and right front sound signals for application to said left and right front loudspeakers (Figs. 1, 5, 7, and 8), wherein said left and right front loudspeakers reproduce both said sounds corresponding to said input left and right front sound signals and left and right virtual sounds corresponding to said left and right virtual sound signals (Figs. 2, 4, and 6; column 2, lines 32-48), said generating means generates said left and right virtual sound signals such that the left and right virtual sounds emanating from said left and right front loudspeakers appear, to a listener, to originate from virtual left and right

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loudspeakers positioned in a region between 80 and 100 degrees with respect to the listener (Figs. 2, 4, and 6; column 5, line 48 to column 6, line 7).

4. With respect to the applicant's arguments on page 8, stating that, "There is no indication of left and right rear signals" has been noted. The Examiner however respectfully disagrees. Kasai discloses  $S_L$ , which reads on the left rear signal and  $S_R$ , which reads on the right rear signal. See Fig. 1 and column 5, lines 14-30.

5. Claim 9 still stands rejected for the reasons stated in the previous office action.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (571)272-7514. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 11, 2005



XU MEI  
PRIMARY EXAMINER